

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

CASE NO. 11-03710 (BKT)

ARTURO VAZQUEZ BAILLY
DEBTOR

CHAPTER 13

MOTION FOR DISMISSAL

TO THE HONORABLE COURT:

NOW COMES Scotiabank de Puerto Rico, (Scotiabank),
through counsel, and most respectfully **STATES** and
PRAYS:

1. Instant petition was filed on April 30, 2011.
2. On June 1, 2011, appearing party filed a secured proof of claim which is incorporated by reference.
3. As of the filing of the Bankruptcy petition Debtor was 33 payments of \$405.49 in arrears with respect to the mentioned note. Total pre-petition arrears \$17,519.78. See Proof of Claim for statement of account.
4. Debtor is now 3 post-petition payments in arrear as of filing of this motion. Total post-

petition arrears \$1,274.94. See Unsworn Statement attached.

5. Failure to make post-petition payments constitute cause for dismissal under 11 U.S.C. 1307(4).

6. Dismissal of instant petition is beneficial to creditors and parties in interest.

7. Enclosed Statement under Service Members Act for debtor.

NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST

Please take notice that unless a party in interest files an objection to this Request for Dismissal and request a hearing in writing with the Clerk of the Court, and serves with copy to the undersigned attorney within **THIRTY (30) DAYS** from the date of this Notice, the Dismissal may be approved by the Court without further notice or hearing. If the party in interest concurs with the above Dismissal, no action need be taken.

WHEREFORE it is respectfully requested that this Motion BE GRANTED and that instant matter be dismissed,


Wallace Vasquez Sanabria

Counselor at Law
17 México Street, Suite D-1
San Juan, Puerto Rico 00917-2202
Phone (787) 756-5730, Fax (787) 764-0340
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with such further relief as is deemed appropriate under the circumstances.

I CERTIFY that copy of this Notice was sent via first class mail to all creditors and parties in interest, as per enclosed master address list.

In San Juan, Puerto Rico, this 17 day of July, 2011.


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Label Matrix for local noticing
0104-3
Case 11-03710-BKT13
District of Puerto Rico
Old San Juan
Mon Jul 18 11:10:12 AST 2011

US Bankruptcy Court District of P.R.
U.S. Post Office and Courthouse Building
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

BUF MONTAEZ Y ALICEA
COND EL CENTRO I OFC 211 214 500 AVE MR
SAN JUAN, PR 00918

ARTURO VAZQUEZ BAILLY
VILLA PALMERAS
264 CALLE CANOVANAS
SAN JUAN, PR 00912-4206

WILBERT LOPEZ MORENO
WILBERT LOPEZ MORENO & ASOCIADOS
1272 AVE. JESUS T. PINERO
SAN JUAN, PR 00921-1616

Afni, Inc.
PO BOX 3667
Bloomington, IL 61702-3667

AT&T WIRELESS
PO BOX 8226
AURORA, IL 60572-8226

CENTENNIAL DE PUERTO RICO
PO BOX 71333
SAN JUAN, PR 00936-8433

JOSE RAMON CARRION MORALES
PO BOX 9023884
SAN JUAN, PR 00902-3884

SCOTIABANK DE PUERTO RICO
c/o WALLACE VAZQUEZ SANABRIA
17 MEXICO STREET SUITE D 1
SAN JUAN, PR 00917-2202

B-Line, LLC
MS 550
PO Box 91121
Seattle, WA 98111-9221

SCOTIABANK
P O BOX 362649
SAN JUAN, PR 00936-2649

MONSITA LECAROS ARIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901-1938

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d) Afni, Inc.
PO Box 3667
Bloomington, IL 61702-3667

(d) SCOTIABANK DE PUERTO RICO
c/o WALLACE VAZQUEZ SANABRIA
17 MEXICO STREET, SUITE D-1
SAN JUAN, PR 00917-2202

End of Label Matrix	
Mailable recipients	12
Bypassed recipients	2
Total	14

BUFETE: WALLACE VAZQUEZ SANABRIA

**UNSWORN STATEMENT
UNDER PENALTY OF PERJURY**

The undersigned hereby certifies the following under penalty of perjury:


Debtor(s): ARTURO VAZQUEZ BAYLLY
NELLY E. GARCIA FERNANDEZ

Loan No.: 000075135240

Bankruptcy No.: 11-03710

Post-petition arrears:	(3)	months at	\$405.49	=	\$1,216.47
	(3)	L/C	\$19.58	=	\$58.74

Current principal: \$48,950.88

Name: 
Legal Division

Date: July 14, 2011

Department of Defense Manpower Data Center

Jul-18-2011 08:53:34



Military Status Report
Pursuant to the Service Members Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
VAZQUEZ-BAYLLY	ARTURO	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary M. Snavely-Dixon

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.
Report ID:LSOPTQ41FV

Department of Defense Manpower Data Center

Jul-18-2011 08:56:27



Military Status Report
Pursuant to the Service Members Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
GARCIA-FERNANDEZ	NELLY EDUVIRGIS	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

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Report ID:8E1H0JL5O5